

210 Patmar Square
Mullins, South Carolina 29574

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March 23, 1995

Mr. Bill Caton
Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street NW- Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: COMMENTS TO MM DOCKET NO. 94-84
Amendment of FM Table of Allotments, Driscoll, Gregory and Robstown,
Texas

Dear Mr. Caton:

Enclosed please find an original and five copies of the "Comments" of David Charles Solomon, which are tendered hereby concerning MM Docket 94-84. In addition to his comments regarding the above referenced material, he is filing information seeking the allotment of Channel 283A be retained to Gregory, Texas as that community's first local service.

Should you require further information, please contact the undersigned. Thank you, in advance, for your time and assistance in this matter.

Sincerely,



David Charles Solomon
(803) 464-4367

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COMMENTS

BACKGROUND

DISCUSSION

1This pleading is timely filed on March 28, 1995. See NPRM, MM Docket No. 94-84.

for allotment purposes. Gregory is governed by a mayor, a town administrator and a five-member city council. The community has it's own Post Office, Police Department, volunteer Fire Department, local branch banks and commercial businesses.

Retention of the allotment of Channel 283A to Gregory would represent the community's first local service.

The proposed allocation of Channel 283A, and KMIQ(FM)'s proposed upgrade to Channel 283C3 at Driscoll are mutually exclusive. An attempt was made by our engineering firm to find alternative channels for use at either Gregory or Driscoll, or for an upgrade to Class C3 at Robstown, however, this attempt was unsuccessful. The best (and only) substitution available which would provide Gregory with an FM is the one offered herein.

Unless the Commission's FM engineering staff could find an alternative which would allow both an upgrade for KMIQ(FM) and a first local service for Gregory, it must then determine which proposal best serves the public interest.

The Commission's Allotment priorities, as expressed in the Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982), are as follows:

- 1- First aural service.
- 2- Second aural service.
- 3- First local service.
- 4- Other public interest matters.

Priorities 2 and 3 have co-equal weight.

The comments set forth herein, therefore fall under priority 3, since Gregory, Texas would receive it's first local service. The proposed simultaneous upgrade of KMIQ(FM) and change in community of allotment would also fall under priority 3, as Driscoll would receive it's first local service. The KMIQ(FM) upgrade would fall under priority 4, other public interest matters.

Solomon believes that if priority 4 is analyzed in regard to both proposals, the retained allotment of Channel 283A to Gregory, Texas will better serve the public interest. The upgrade of KMIQ(FM) would allow it to provide additional coverage to a moderately populated area, however, the deletion of Channel 283A from the City of Gregory would sacrifice the combined total population served by both stations (KMIQ(FM) and Channel 283A, Gregory) significantly.

By contrast, the allotment of Channel 283A at Gregory, will provide additional service in a heavily populated area, and will project significantly more population coverage than the net gain of the proposed C3 at Driscoll. This being the case, retention of the allotment of Channel 283A to Gregory, Texas should be favored over the proposed upgrade and change in city of license of KMIQ(FM).

Solomon affirms unequivocally that if the retention of allotment of Channel 283A to Gregory, Texas is made, the petitioner will tender an application for construction permit for the new FM, and if granted a construction permit, will build the facility promptly.

Wherefore, in light of the foregoing, Solomon believes that approval of retaining allocation of Channel 283A is to be preferred, as it is in the public interest and it represents a more efficient use of the spectrum than that offered in the NPRM, MM Docket 94-84.

The undersigned hereby certifies under penalty of perjury that this pleading, as well as all other materials and pleadings he has submitted to the Commission relative to this proceeding, and all information therein, are true and correct to the best of his knowledge and belief.

By David Charles Solomon

David Charles Solomon

210 Patmar Square
Mullins, South Carolina 29574
(803) 464-4367

March 23, 1995

CERTIFICATE OF SERVICE

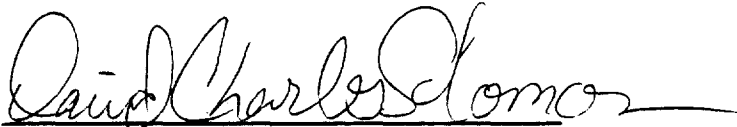
I, David Charles Solomon, do hereby certify that on this 23rd day of March, 1995, I have caused to be mailed, via first class mail, postage prepaid, a copy of the foregoing "Comments" concerning MM Docket 94-84 (RM-8478), to the following:

Lee Peltzman, Esquire
2000 L Street, Suite 200
Washington, DC 20036

[Counsel to Cotton Broadcasting]

Humberto Lopez, Partner
Cotton Broadcasting, General Partnership
c/o KMIQ(FM)
115 West Avenue D
Robstown, TX 78380

[Licensee of KMIQ(FM), Robstown, TX BLH-890822KA]


David Charles Solomon

March 23, 1995